

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6368**

**BILL NUMBER:** SB 188

**NOTE PREPARED:** Dec 6, 2012

**BILL AMENDED:**

**SUBJECT:** Social Host Liability.

**FIRST AUTHOR:** Sen. Miller P J

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires a person at least 21 years of age who knows that a minor is in possession of an alcoholic beverage on the person's property to:

- (1) prohibit the minor from possessing the alcoholic beverage;
- (2) confiscate the alcoholic beverage; and
- (3) immediately contact the minor's parent, guardian, or custodian;

unless the alcoholic beverage is possessed in connection with a religious observation, in the presence of the minor's parent, or at a postsecondary educational institution.

The bill makes a violation a Class C infraction, or a Class B infraction if the person knows that at least six minors possess an alcoholic beverage on the person's property or if the person has been adjudged to have committed a prior violation. The bill provides that a person may be charged with a violation not more than one time per day.

The bill specifies that a judgment for a violation is in addition to any criminal penalty that may be imposed for contributing to the delinquency of a minor.

(The introduced version of this bill was prepared by the Commission on Mental Health and Addiction.)

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500 and the maximum judgment for a Class B infraction is \$1,000, which are deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the following fees that are deposited in local funds: the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.